

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

AFAXYS PHARMA, LLC,

Plaintiff,

V.

THERAPEUTICSMD, INC.,

Defendant.

C.A. No. 23-1067

**ORDER AUTHORIZING DEFENDANT TO FILE  
ANSWER AND COUNTERCLAIMS UNDER SEAL**

Upon the Motion To Seal (“Motion To Seal”) of TherapeuticsMD, Inc.(“TXMD”), for entry of an order (this “Order”), authorizing TXMD to file its answer and counterclaims in this action under seal; and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that proper and adequate notice of the Motion to Seal has been provided under the circumstances; and after due deliberation; and there being good and sufficient cause;

**IT IS HEREBY ORDERED THAT**

1. The Motion to Seal is GRANTED as set forth herein.
2. TXMD may file its answer and counterclaims under seal.
3. In the event Plaintiff contends that the answer and counterclaims should remain sealed, Plaintiff shall move to maintain the sealing of the answer and counterclaims within 21 days of service thereof.

4. In the event that Plaintiff fails to move to continue to seal the answer and counterclaims in accordance with paragraph 3 hereof, Defendant shall publicly file the answer and counterclaims on the docket within 28 days of service of the answer and counterclaims.

5. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

6. This Court shall retain jurisdiction to hear and decide any dispute related to or arising from this Order.

Dated: 9/28, 2023  
Wilmington, DE

  
UNITED STATES DISTRICT JUDGE